

EXHIBIT "A"

Part of the South Half of the Southwest Quarter of Section 5, Township 18 North, Range 4 East, Hamilton County, Indiana, being more particularly described as follows:

Beginning at the Southwest corner of said quarter section; thence North 0 degrees 04 minutes 09 seconds East (assumed basis of bearings) 1329.41 feet to the Northwest corner of said half-quarter section; thence South 88 degrees 58 minutes 17 seconds East on and along the North line of said half-quarter section 1331.77 feet; thence South 0 degrees 02 minutes 05 seconds West 1321.80 feet to the South line of said half-quarter section; thence North 89 degrees 17 minutes 58 seconds West on and along said south line, 1332.46 feet to the point of beginning.

Except that portion of the above Real Estate deceded to the Town of Westfield and further described as follows:

A part of the South Half of the Southwest Quarter of Section 5, Township 18 North, Range 4 East Hamilton County, Indiana described as follows:

Beginning at the Northwest corner of said half-quarter section; thence South 88 degrees 58 minutes 17 seconds East 41.78 feet along the north line of said half-quarter section; thence South 1 degree 01 minute 43 seconds West 16.50 feet to the south boundary of 169<sup>th</sup> Street; thence South 45 degrees 32 minutes 56 seconds West 35.06 feet to the east boundary of Carey Road; thence North 89 degrees 55 minutes 51 seconds West 16.50 feet to the west line of the said half-quarter section; thence North 0 degrees 04 minutes 09 seconds East 41.78 feet along said west line to the point of beginning and containing 0.032 acres, more or less, inclusive of the presently existing right-of-way which contains 0.025 acres, more or less, for a net additional taking of .007 acres, more or less.

# Walnut Ridge Estates Zoning Commitment Amendment #1

**ORDINANCE NO. \_\_\_\_\_**

**An ordinance amending the written commitments of Ordinance 06-50  
of the City of Westfield, Indiana**

**December 29, 2010**

**ORDINANCE NO. \_\_\_\_\_**

**An Ordinance of the City of Westfield, Indiana, Amending the written commitments of Walnut Ridge Estates in Ordinance 06-50**

This Zoning Commitment Amendment (the "Amendment") amends the written commitments of Ordinance 06-50 for Walnut Ridge Estates (attached as Exhibit "A") in the City of Westfield and Washington Township, Hamilton County, Indiana (the "Walnut Ridge Estates Zoning Approval"), as amended, enacted by the City of Westfield under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended;

**WITNESSETH:**

**WHEREAS**, the Advisory Plan Commission of the City of Westfield and Washington Township (the "Commission") has conducted a public hearing as required by law in regard to the application for an amendment of written commitment filed by the Estridge Development Company, Inc. for the real estate containing approximately 40.5 acres more or less, legally described on Exhibit "B" hereto, and located in the City of Westfield, Hamilton County, Indiana (the "Real Estate");

**WHEREAS**, the Commission has sent to the Common Council of the City of Westfield, Indiana (the "Common council") its recommendation adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2011;

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF WESTFIELD, INDIANA, THAT:**

Section 1. Subsection B of Section 3 of the *Commitments Concerning the Use and Development of Real Estate* for Walnut Ridge Estates is hereby amended as follows (changes shown in legislative edit format for clarity):

- B. Square footage requirement (exclusive of basements, porches, garages, or patios):
  - a. One-story homes – ~~2,600~~ 2,350 square feet of finished space
  - b. Two-story homes – ~~3,200~~ 2,800 square feet of finished space
    - i. Ground-floor minimum – ~~1,500~~ 1,400 square feet

Section 2. This ordinance shall be in full force and effect from and after its passage.

ALL OF WHICH IS ORDAINED by the Common Council of the City of Westfield, Indiana,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**COMMON COUNCIL OF THE CITY OF WESTFIELD**

<u>Aye</u>		<u>Nay</u>
_____	John Dippel	_____
_____	Steve Hoover	_____
_____	Robert L. Horkay	_____
_____	Ken Kingshill	_____
_____	Bob Smith	_____
_____	Tom Smith	_____
_____	Rob Stokes	_____

APPROVED and signed by the Mayor of the City of Westfield, Hamilton County,  
Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
J. Andrew Cook, Mayor  
City of Westfield, Indiana

ATTEST:

\_\_\_\_\_  
Cindy Gossard, Clerk Treasurer  
City of Westfield, Indiana

## EXHIBIT A

200600065832  
Filed for Record in  
HAMILTON COUNTY, INDIANA  
JENNIFER J HAYDEN  
11-01-2006 At 01:59 p.m.  
ORDINANCE 35.00

### ORDINANCE NO. 06-50

#### AN ORDINANCE OF THE TOWN OF WESTFIELD CONCERNING AMENDMENT TO TITLE 16 – LAND USE CONTROLS

**WHEREAS**, The Town of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield Washington Township Zoning Ordinance; and

**WHEREAS**, the Westfield-Washington Township Plan Commission ("Commission") considered a petition (docket 0608-REZ-06) filed with the Commission to rezone certain lands; and

**WHEREAS**, the Westfield Washington Township Plan Commission did take action to forward the request to the Westfield Town Council with no recommendation under the provision of IC 36-7-4-605; and

**WHEREAS**, the Secretary of the Commission certified the action of the commission to the Town Council on September 26, 2006; and

**WHEREAS**, the Westfield Town Council is subject to the provision of IC 36-7-4-608(g) concerning any action on this request.

**NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD TOWN COUNCIL  
THAT TITLE 16 OF THE WESTFIELD CODE OF ORDINANCE BE AMENDED AS  
FOLLOWS:**

**SECTION 1.** WC-16-04 Zoning maps amended as follows:

The Zoning Map accompanying and made a part of the Zoning Ordinance is amended to reclassify the Real Estate located at 16715 Carey Road from AG-SF-1 to SF-2. See attached Maps and zoning commitments described in the attached booklet identified as Exhibit A entitled "Walnut Ridge Estates".

## COMMITMENTS CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

Walnut Ridge Estates, LLC (the "Owner") makes the following commitments to the Westfield Town Council (the "Council") regarding the use and development of the following described real estate (the "Real Estate") located in Hamilton County, Indiana:

### Section 1.      **Description of Real Estate:**

See attached Exhibit "A".

### Section 2.      **Petition: 0608-REZ-06**

### Section 3.      **Statement of Commitments:**

These commitments shall run with land, be binding on the Owner of the Real Estate, subsequent owners of the Real Estate and other persons acquiring an interest therein.

- A. There shall be no more than forty (40) residential lots. ~~The number of homes on the Real Estate shall not exceed 40 unless otherwise permitted herein.~~
- B. Square footage requirement ~~(does not include basement)~~ (exclusive of basements, porches, garages, or patios):
  - a. One-story homes – 2,600 square feet of finished space
  - b. Two-story homes – 3,200 square feet of finished space
    - i. Ground-floor minimum – 1,500 square feet
- C. Driveways:
  - a. Shall be concrete, asphalt, or other solid surface
  - b. Gravel shall be prohibited
- D. Exterior Materials:
  - a. All homes shall have 100% first floor wrap consisting of brick, stone, cultured stone or other masonry materials (collectively "Masonry"), not including doors, windows and other openings.
  - b. In addition to Masonry, other permissible siding materials include cement fiber board and wood. No vinyl or aluminum siding shall be allowed.
  - c. The foregoing requirements may be modified by the neighborhood's architectural committee on a case-by-case basis (e.g., Victorian,

Country French, Colonial, Cape Cod or other styles that lend themselves to the use of less brick, stone or stucco material).

d. All chimney chases shall be brick, stone or EIFS.

E. Windows:

a. All window casings shall be wood, vinyl or a vinyl clad or aluminum clad type material.

F. Garages:

a. Minimum – three car garage

b. All garages shall be angled or side-load.

G. Roof Pitch Requirements:

a. Front to back and front gables or hips 8/12 minimum

b. All homes shall have a minimum 12" overhangs.

c. The foregoing requirements may be modified by the neighborhood's architectural committee on a case-by-case basis (e.g., Victorian, Country French, Colonial, Cape Cod or other styles that lend themselves to differ from the standard).

H. Tree Conservation Easement – A ten foot (10') tree conservation easement ("Easement") along the east property line of the Real Estate, at the location identified in Exhibit "B", shall be provided. Within the Easement, no trees with a diameter at breast height ("DBH") in excess of six inches (6") or more in height (the "Protected Trees") shall be removed unless the tree is damaged, diseased, dead, or is required to be removed in order to comply with safety requirements of any governmental agency. If a Protected Tree is damaged or otherwise removed by the developer or builder, except as permitted to be removed as listed above, then the developer or builder (as the case may be) shall reestablish the Protected Tree with a tree or trees of combined equal or greater DBH subject to the availability of space for their healthy growth in the Easement. It is acknowledged that certain areas of the woodlands will not be appropriate for the Easement due to the location of drainage and utility infrastructure as will be identified at the time of platting.

I. Lot Landscaping – for each individual lot, the required plant materials to be installed shall be as follows:

- |                            |                                 |
|----------------------------|---------------------------------|
| a. 2 Deciduous shade trees | 2-1/2" caliper at breast height |
| b. 1 Flowering tree        | 1-1/2" caliper at breast height |
| c. 1 Conifer tree          | 8'-10' in height                |
| d. 8 Shrubs                | 3'-4' in height                 |
| e. 12 Shrubs               | 18"-24" in height               |



- J. Homes abutting the Tree Conservation Easement shall be two-story homes.
- K. Above-ground pools shall be prohibited.
- L. Mini-barns and storage sheds shall be prohibited.
- M. All residential lots and buffer yards shall not be within, or contain any portion of the Carey Road and 169<sup>th</sup> Street right-of-way.
- N. All residential lots shall not be within, or contain any portion of a required buffer yard.

**Section 4.     Binding on Successors and Assigns**

After the Effective Date, these Commitments are binding upon the Owner, each subsequent owner of the Real Estate, each other person acquiring an interest in the Real Estate, and each person or entity building a residence upon the Real Estate, unless modified or terminated by the Westfield Town Council.

**Section 5.     Modification of Commitments**

These commitments may be modified or terminated only by a decision made at a public hearing after notice has been given in accordance with the Town's Rules of Procedures.

**Section 6.     Effective Date**

The commitments contained herein shall be effective upon the approval of Petition 0608-REZ-06 and shall continue in effect until modified or terminated by the Westfield Town Council.

**Section 7.     Recording**

The undersigned hereby authorizes the Secretary of the Council to record these commitments in the Office of the Recorder of Hamilton County, Indiana, upon approval of Petition 0608-REZ-06.

**Section 8.     Enforcement**

These commitments may be enforced by the Town Council of the Town of Westfield, Hamilton County, Indiana.

IN WITNESS WHEREOF, the "Owner," has caused these commitments to be executed  
as of the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Walnut Ridge Estates, LLC

By: \_\_\_\_\_  
Its: \_\_\_\_\_ (Title)

STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF HAMILTON )

Before me the undersigned, a Notary Public in and for said County and State,  
personally appeared \_\_\_\_\_, who having been duly sworn  
acknowledged the execution of the foregoing Commitments.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

My Commission Expires:

\_\_\_\_\_  
Notary Public

Printed \_\_\_\_\_  
Residing in \_\_\_\_\_ County

Prepared by: Steven D. Hardin, Attorney at Law, Baker & Daniels, LLP  
970 Logan Street, Noblesville, Indiana 46060; (317) 569-9600.

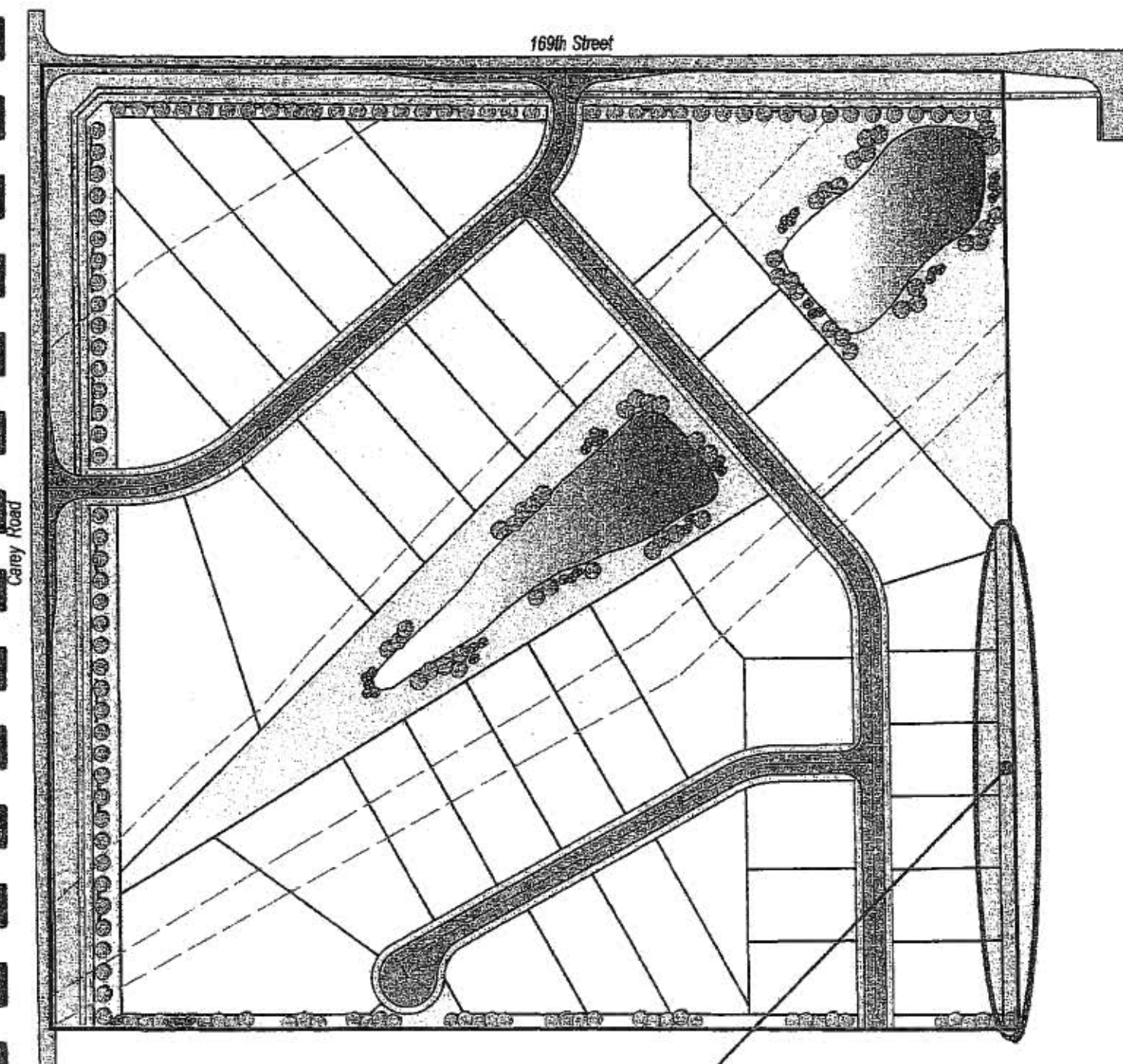
## **Exhibit A**

### **Description of Real Estate**

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# Walnut Ridge Estates

## TREE CONSERVATION EXHIBIT



Tree Conservation  
Easement Location



## EXHIBIT B

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